

Appl. No. 10/764,190  
Atty. Docket No. 9495  
Amdt. dated August 9, 2006  
Reply to Office Action of April 19, 2006  
Customer No. 27752

AMENDMENTS TO THE DRAWINGS

Applicant submits herewith Replacement Sheets 1-9 bearing Figs. 1-9, in response to the request for new corrected drawings in the Final Office Action.

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### REMARKS

#### Claim Status

Claims 1, 4-13, and 17-18 are pending. Claims 2-3 and 14-16 are canceled. Claims 1-6, 8-10, and 12-13 stand rejected under 35 USC § 102. Claims 7 and 11 would be allowable if rewritten in independent form. Claims 1 and 4-13 are amended. Claims 17 and 18 are new.

#### Claim Objections

The Office Action objected to claims 6 and 10 as being unacceptable for including the words "may" and "juxtapose." The Applicant has amended claims 6 and 10 to remove the words "may" and "juxtapose." Therefore, the Applicant submits that claims 6 and 10, as currently amended, are in acceptable form. As a result, the Applicant respectfully requests reconsideration and withdrawal of the objections to claims 6 and 10.

The Office Action also objected to claim 14, which is now canceled.

#### Rejection Under 35 USC § 112 Second Paragraph

Claim 1 is rejected under 35 USC § 112, second paragraph as being indefinite for including the phrases "the second horizontal direction" and "the shelf." The Applicant has amended independent claim 1 to remove the phrases "the second horizontal direction" and "the shelf." Therefore, the Applicant submits that independent claim 1, as currently amended, is definite. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 112 rejections for independent claim 1.

#### Rejections Under 35 USC § 102 Over Heroy

Claims 1-6, 8-10, and 12 are rejected under 35 USC § 102(b) as being anticipated by Heroy (U.S. 3,669,278). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 102 over the Heroy reference for the reasons discussed below. The Applicant notes that claims 2-3 are canceled.

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The Office Action cited a “shelf divider 13” from the Heroy reference against the “top support member” of the Applicant’s independent claim 1. (Office Action, page 4, paragraph 2.) Independent claim 1, as currently amended, recites in part “a shelf in a first plane” and a “top support member oriented in a second plane parallel to the first plane.” However, the Heroy reference appears to disclose that the shelf divider 13 is perpendicular to a shelf 10 (Figure 1), not parallel to “a shelf in a first plane” as described in the Applicant’s independent claim 1.

For this reason, the Applicant asserts that the Heroy reference does not disclose each and every element of the Applicant’s independent claim 1. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 102(b) rejection for independent claim 1 and for the claims which depend therefrom.

#### Rejections Under 35 USC § 102 Over Higgins

Claims 1, 3-5, and 15-16 are rejected under 35 USC § 102(b) as being anticipated by Higgins (U.S. 6,234,325). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 102 over the Higgins reference for the reasons discussed below. The Applicant notes that claims 14-16 are canceled.

The Office Action cited “upper cross member 36” from the Higgins reference against the “top support member” of the Applicant’s independent claim 1. (Office Action, page 5, paragraph 6.) Independent claim 1, as currently amended, recites in part “a top support member connected directly between the first upper end and the second upper end.” However, the Higgins reference appears to disclose that the upper cross member 36 is intersected by “a plurality of vertical members” (Higgins, col. 3, line 52 – col. 4, line 3, Fig. 1 – 2) and is not “connected directly” between the first upper end and the second upper end” as recited in part in the Applicant’s independent claim 1.

For this reason, the Applicant asserts that the Higgins reference does not disclose each and every element of the Applicant’s independent claim 1. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 102(b) rejection for independent claim 1 and for the claims which depend therefrom.

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#### Rejections Under 35 USC § 102 Over Ingleson

Claims 1, 3, 4, and 13 are rejected under 35 USC § 102(b) as being anticipated by Ingleson (U.S. 2,747,959). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 102 over the Ingleson reference for the reasons discussed below.

The Office Action cited “secondary divider members 7” from the Ingleson reference against the “first vertical support member” and “the second vertical support member” of the Applicant’s independent claim 1. (Office Action, page 6, paragraph 5.) Independent claim 1, as currently amended, recites in part “a first vertical support member” wherein a “first lower end is connectable to a shelf,” and “a second vertical support member” wherein a “second lower end is connectable to a shelf.” However, the Ingleson reference appears to disclose that the secondary divider members 7 are merely “resting on the upper surface of the false bottom board” (Ingleson, col. 2, lines 46-47, Fig. 1 – 2) and are not “connectable to a shelf” as recited in part in the Applicant’s independent claim 1.

Independent claim 1, as currently amended, also recites in part “a top support member rigidly connected directly between the first upper end and the second upper end” of the vertical support members. However, the Ingleson reference appears to disclose that the secondary divider members 7 are simply “engaging oppositely disposed corrugations” (Ingleson, col. 2, lines 44-45, Fig. 1 – 2) and are not “rigidly connected between the first upper end and the second upper end” as recited in part in the Applicant’s independent claim 1.

For these reasons, the Applicant asserts that the Ingleson reference does not disclose each and every element of the Applicant’s independent claim 1. As a result, the Applicant respectfully requests reconsideration and withdrawal of the 102(b) rejection for independent claim 1 and for the claims which depend therefrom.

#### Rejection Under 35 USC § 103 Over Heroy

Claim 14 is rejected under 35 USC § 103(a) as being unpatentable over Heroy (U.S. 3,669,278). Claim 14 is canceled.

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Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 4-13, and 17-18 is respectfully requested.

Respectfully submitted,

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